

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID A. JONES,

Plaintiff,

v.

R. ROQUE, et al.,

Defendants.


No. C 12-2946 LHK (PR)

ORDER GRANTING LEAVE
TO PROCEED IN FORMA
PAUPERIS ON APPEAL

The Court granted plaintiff, a state prisoner proceeding *pro se*, leave to proceed in forma pauperis ("IFP") in this action. On August 15, 2013, the court granted defendants' motion to dismiss for failure to exhaust, and dismissed this action without prejudice. Petitioner has filed a notice of appeal. The United States Court of Appeals for the Ninth Circuit has referred the case back to this court for a determination whether plaintiff's IFP status should be revoked. Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides that a party granted leave to proceed IFP in the district court may continue in that status on appeal unless the district court certifies that the appeal is not taken in good faith. The court concludes that plaintiffs's appeal is taken in good faith. Accordingly, leave to proceed IFP on appeal is GRANTED. The Clerk of the Court shall serve a copy of this order on plaintiff and on the Ninth Circuit Court of Appeals.

IT IS SO ORDERED.

DATED: 10/3/13



LUCY H. KOH
United States District Judge